

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:06-CV-132-D(2)

CHERRY ADKINS,)
)
Plaintiff,)
)
v.)
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

ORDER

On November 15, 2007, Magistrate Judge Daniel issued a Memorandum and Recommendation (“M&R”). In that M&R, Judge Daniel recommended that plaintiff’s motion for judgment on the pleadings be granted, that the defendant’s motion for judgment on the pleadings be denied, and that the action be remanded to the Commissioner. The defendant does not oppose remand and did not file any objections to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting 28 U.S.C.A. § 636(b)(1)). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Id. (quotation omitted).

The court has reviewed the record and the briefs. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court accepts the M&R. Plaintiff’s motion for judgment on the pleadings is GRANTED, the defendant’s motion for judgment on the pleadings is

DENIED, and the action is REMANDED to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

SO ORDERED. This 6 day of December 2007.



JAMES C. DEVER III
United States District Judge